IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14-7-2005

Coram

The Honourable Mr.Justice P.D.DINAKARAN

Writ Petition No.298 of 2000

Rama.Subbiah @ Subbu ...Petitioner

Vs.

1. The State Human Rights Commission,
rep.by its Registrar,
State Guest House,
Chepauk,
Chennai - 5.

2. The Superintendent of Police,
Madurai.

3. G.Rajendran
Sub-Inspector (CID)
Vadipatty
Madurai District. ...Respondents

This writ petition has been filed under Article 226 o Constitution of India, praying this Court to issue a writ o certiorari, as stated therein.

For Petitioner : Mr.V.T.Balajee for
Mr.J.A.Selvakumar
For 1st Respondent : Mr.A.Muthuraman
For 2nd Respondent : Mr.E.Sampathkumar
Government Advocate
For 3rd Respondent : Mr.G.Jawaharlal

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O R D E R

Petitioner seeks a writ of certiorari calling for the record from the file of the first respondent in its proceedings No.SHR P.No.253/99/SNS-J, dated 18.12.1999 and quash the same and furthe direct the first respondent to conduct an enquiry on the basis o the complaint lodged by the petitioner under the relevant section

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of the Human Rights Act, 1993 read with State Human Right Commission Tamil Nadu (Procedure) Regulation Act, 1997.

2. Heard the learned counsel for the petitioner as well a respondents.

3. The case of the petitioner is that the third responde harassed him in connection with the occurrence said to have take place on 30.1.1999 at Vadipatti bus stand and also taken his son t the police station and beat him. In that connection petitione lodged a complaint before the first respondent/State Human Right Commission and the same was dismissed by the order dated 18.12.199 stating that the Commission is satisfied with the report of th Superintendent of Police, Madurai District, dated 1.12.1999 that th third respondent did not commit any violation of the human rights a alleged by the petitioner. Aggrieved by the said order, petitione has filed the present writ petition.

4. It is pointed out by the learned Government Advocate tha the State Human Rights Commission is empowered to dismiss complaint in limine, exercising the power conferred under Regulatio 9, if the allegations are not specific.

5. *When the first respondent/State Human Rights Commissio takes a decision, taking all relevant considerations into accoun and states that they are satisfied with the report of th Superintendent of Police, Madurai District, the same should not b interfered with by the court unless the court comes to th conclusion that the appropriate authority had not applied its min to the relevant factors or that the decision has been taken by th appropriate authority mala fide. What is required under th Regulations is only subjective satisfaction of the firs respondent/State Human Rights Commission that there was no violatio of the human rights as alleged by the petitioner, and ordinarily i is not open to the Court to make a scrutiny of the propriety of tha satisfaction on an objective appraisal of facts.*

In the result, finding no merits, this writ petition i dismissed. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Registrar, State Human Rights Commission,
   State Guest House, Chepauk, Chennai - 5.

2. The Superintendent of Police, Madurai.

+1cc to Mr.G.Jawaharlal,Advocate SR.No.28762

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kaa 26.07.

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